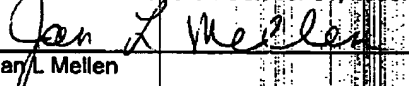


RESPONSE TO REQUIREMENT FOR INFORMATION UNDER 37 C.F.R. §1.105		Docket No. W0006/7000
Applicant:	James R. McSherry	
Serial No:	09/783,197	
Filed:	February 14, 2001	
For:	METHOD AND APPARATUS FOR MANAGING WORKPLACE SERVICES AND PRODUCTS	
Examiner:	S. L. Jarrett	
Art Unit:	3623	

<p style="text-align: center;">CERTIFICATE OF FACSIMILE TRANSMISSION</p> <p>The undersigned hereby certifies that this document is being transmitted by facsimile to the U.S. Patent and Trademark Central Office at Facsimile No. 571-273-8300 on October 31, 2005.</p> <p style="text-align: center;"> Jan L. Mellen</p>

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the office communication dated October 13, 2005, applicant provides the following information:

1. A prior art search was performed in the USPTO on-line database of issued patents. Art retrieved from that search has already been submitted to the USPTO by means of an information disclosure statement filed on July 11, 2001. However, it is noted that there is no evidence that this information disclosure statement was considered by the examiner, and accordingly, a copy of the disclosure statement is attached. As all of the references are issued U. S. Patents, copies of the references are not enclosed.
2. The product timeline is as follows. *the* workplace HELPLINE LLC was originally founded as Employee Assistance Resources LLC (EAR) in August of 1996. The

business plan was determined to be unsustainable in 1997 and EAR was renamed *the workplace HELPLINE* in that year. The revised business plan focused on services to the employer and their unique issues, and not the employee.

HELPLINE secured its first client in late 1997, however services were never initiated and the client went out of business. In the spring of 1998, several marketing contracts were signed with national associations along with the first insurance company client. A toll-free number was set up and a Windows based software system was used to serve clients. The Windows based system had two databases: one located in a specialist's office and one located at HELPLINE headquarters. The specialist received phone calls from employer contacts via the toll-free telephone line and entered information into the local database.

Periodically (usually once per day) a direct dial-up connection was established between the specialist database and the HELPLINE database so that information could be exchanged. During this exchange, information regarding new clients was sent from the HELPLINE database to the specialist database and information regarding calls received from existing clients was sent from the specialist database to the HELPLINE database. By the summer of 1999 the actual user base had grown substantially and, when more than one specialist was involved, it became difficult to synchronize all of the databases. In addition, if any changes to the specialist software were required, it was necessary to visit the specialist location to make software updates. Finally, there was no way to publish information to the client via the toll-free telephone line.

Thus, it became apparent that the company could no longer use the existing software. Design and development of a new Internet-based system was started in the summer of 1999. As best can be determined, a beta version of a program that incorporated the features of the current claims was deployed on February 16, 2000. The beta system was run in parallel with the existing Windows based

system and in either March or April 2000, HELPLINE began using the new version in its day-to-day business.

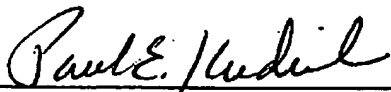
Since the new system was placed in use several other versions have been deployed which incorporate some new features.

3. Articles that were authored by the applicant include an article entitled "Value-added Services...They can be more than Window Dressing", The Betterley Report, EPLI Market Survey, August 2000.

Applicant was also quoted in Risk & Insurance Magazine, February 2002 and Risk Management Magazine, January 2001, pp 23-25.

4. Applicant does not know of, and has not discovered, any prior art articles or publications that were relied upon to develop the disclosed subject matter. As far as applicant knows the disclosed subject matter represented a method for providing workplace services that differed and continues to differ substantially from competitive services that were and are now available. These competitive services use a toll-free telephone number and web pages.

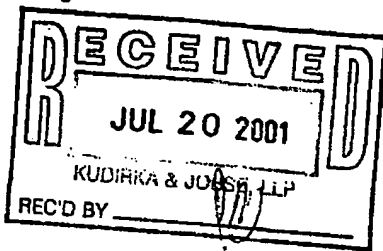
Respectfully submitted



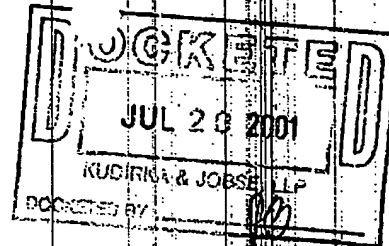
Paul E. Kudirka, Esq. Reg. No. 26,931
KUDIRKA & JOBSE, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656

Date:

10/31/05



Folder	<input type="checkbox"/>
Client Info Access	<input type="checkbox"/>
Docket Entry	<input type="checkbox"/>
Docket Cross Off	<input type="checkbox"/>
Order Copies	<input type="checkbox"/>
Annuities	<input type="checkbox"/>
Other	<input type="checkbox"/>



Serial No. 9783197 File No. 600087000 PEK

Title: Method And Apparatus For Managing Workplace

Application of James R. Maherry

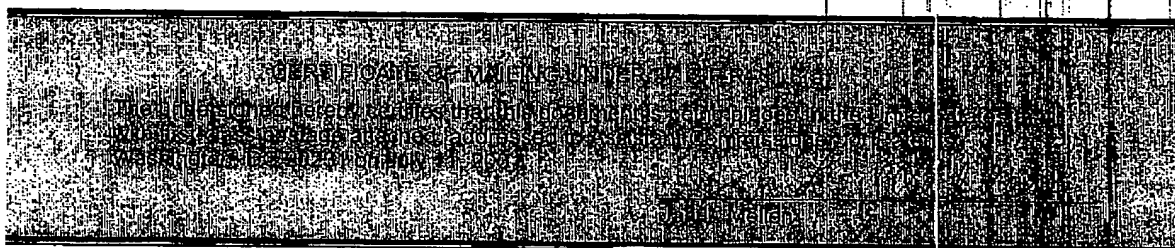
The following, DUE _____ in the U.S. PTO, was received in the PTO Mail Room on the date stamped hereon.

<input type="checkbox"/> Cert. of Mailing by Express Mail (37 CFR 1.10)	<input checked="" type="checkbox"/> Inf. Discl. Statement, PTO Form 1449 and
<input type="checkbox"/> Express Mail Label No.	References Cited
<input checked="" type="checkbox"/> Cert. of Mailing under 37 CFR 1.8 (a)	<input type="checkbox"/> Change of Correspondence Address Req.
<input type="checkbox"/> Application for Patent Incl. _____ pages,	<input type="checkbox"/> Request for Reexamination
(pgs) Specification, (pgs) Abstract,	<input type="checkbox"/> Assignment
(pgs) Claims _____ # claims)	<input type="checkbox"/> Assignment Recordation Cover Sheet
<input type="checkbox"/> Affidavit or <input type="checkbox"/> Declaration/Oath	<input type="checkbox"/> Check for \$ _____
<input type="checkbox"/> Request for Corrected Filing Receipt	<input type="checkbox"/> Check # _____
<input type="checkbox"/> Drawings _____ Sheet(s) (Figs. _____)	<input type="checkbox"/> Amendment
<input type="checkbox"/> <input type="checkbox"/> Formal or <input type="checkbox"/> Informal drawings	<input type="checkbox"/> Letter to Official Draftsman
<input type="checkbox"/> Multiple Dependent Claim Fee Sheet,	<input type="checkbox"/> Declaration w/copy of notice to File Missing Parts
<input type="checkbox"/> Priority Document(s) # _____	<input type="checkbox"/> Maintenance Fee
<input type="checkbox"/> Non-publication Request	<input type="checkbox"/> Power of Attorney
<input type="checkbox"/> Application Data Sheet	<input type="checkbox"/> Status Inquiry
<input type="checkbox"/> Req. for Filing <input type="checkbox"/> Cont. <input type="checkbox"/> Discontin.	<input type="checkbox"/> Brief (x3)
under 37 CFR 1.60	<input type="checkbox"/> Issue Fee Transmittal with PTO-85B
<input type="checkbox"/> CPA under 37 CFR 1.53 (d)	<input type="checkbox"/> Petition for Ext. of Time (x2)
	<input type="checkbox"/> Transmittal Letter (x2)
<input type="checkbox"/> Other _____	

MAILED 7/11/01

BEST AVAILABLE COPY

INFORMATION DISCLOSURE TRANSMITTAL		Docket No. W0008/7000	
Applicant:	James R. McSherry		
Serial No:	09/783,197		
Filed:	February 14, 2001		
For:	METHOD AND APPARATUS FOR MANAGING WORKPLACE SERVICES AND PRODUCTS		
Examiner:	Not Yet Assigned		
Art Unit:	2163		



Assistant Commissioner for Patents
Washington, DC 20231

In keeping with the duty of candor and good faith owed to the Patent and Trademark Office, Applicant wishes to bring information to the attention of the Examiner. The filing of this statement shall not be construed as a representation that a search has been made or as an admission that this information is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

Enclosures

- ☒ A form PTO-1449 listing this information is attached
☐ A copy of each document cited is enclosed.
☒ Copies of the cited articles are enclosed.

Fees

- ☒ This statement is filed before the later of (1) three months of (i) the filing of a national application or (ii) the entry date for the national stage of an international application or (2) the mailing date of a first office action on the merits. No fee is due.
- ☐ This statement is filed before the mailing date of a final office action, a notice of allowance or an action that otherwise closes prosecution, and
- ☐ The submission fee of \$180.00 under 37 CFR §1.17(p) is enclosed, or
- ☐ The following certification is made:
- ☐ each item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, or
- ☐ no item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the statement

Information Disclosure Transmittal 1 of 2

after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

- ☐ This statement is filed on or before payment of the issue fee, the submission fee of \$180.00 under 37 CFR §1.17(p) is enclosed, and
- ☐ each item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement, or
- ☐ no item of information contained in this statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the person signing the statement after making reasonable inquiry, no item of information contained in this statement was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

Payment

- ☐ A check in the amount of the submission fee is enclosed.
- ☐ Charge Account No. in the amount of the submission fee. A duplicate of this transmittal sheet is attached.

Authorization to Charge Additional Fees

- ☒ The Commissioner is hereby authorized to charge any additional fees under 37 C.F.R. §1.16 and §1.17 required by the attached paper and during the entire pendency of this application to Account No. 02-3038.

Respectfully submitted,



Paul E. Kudirka, Esq. Reg. No. 26,931
KUDIRKA & JOBSE, LLP
Customer Number 021127
Tel: (617) 367-4600 Fax: (617) 367-4656

Date: 2/11/01

Information Disclosure Transmittal 2 of 2

BEST AVAILABLE COPY

**INFORMATION DISCLOSURE STATEMENT
BY APPLICANT Sheet 1 of 1**

Docket No. W0008/7000

Applicant: James R. McSherry
 Serial No: 09/783,197
 Filed: February 14, 2001
 For: METHOD AND APPARATUS FOR MANAGING WORKPLACE SERVICES
 AND PRODUCTS
 Examiner: Not Yet Assigned
 Art Unit: 2163

U.S. PATENT DOCUMENTS

Exam Inits	Cite No.	Patent Number	Kind Code	Patentee or Applicant Name	Issue Date
		4,975,840	A	DeTore et al.	12/1990
		5,182,705	A	Barr, et al.	1/1993
		5,557,514	A	Seare, et al.	9/1996
		5,638,519	A	Haluska	6/1997
		5,664,109	A	Johnson, et al.	9/1997
		5,666,493	A	Wojcik, et al.	9/1997
		5,712,984	A	Hammond, et al.	1/1998
		5,758,126	A	Daniels, et al.	5/1998
		5,828,840	A	Cowan, et al.	10/1998
		5,829,001	A	Li, et al.	10/1998
		5,835,897	A	Dang	11/1998
		5,867,665	A	Butman, et al.	2/1999
		5,870,562	A	Butman, et al.	2/1999
		5,875,431	A	Heckman, et al.	2/1999
		5,884,035	A	Butman, et al.	3/1999
		5,893,072	A	Zlizzamia	4/1999
		5,924,072	A	Havens	7/1999
		5,950,169	A	Borghesi, et al.	9/1999
		5,970,464	A	Apte, et al.	10/1999
		5,995,939	A	Berman, et al.	11/1999
		6,026,379	A	Haller, et al.	2/2000
		6,115,690	A	Wong	9/2000

FOREIGN PATENT DOCUMENTS

Exam Inits	Cite No.	Cy	Number	Kind Code	Patentee or Applicant Name	Publication Date	T
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>
							<input type="checkbox"/>

Examiner
SignatureDate
Considered

Information Disclosure Statement

BEST AVAILABLE COPY